

**DELTA PROTECTION COMMISSION**

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**AGENDA ITEM # 12**

November 6, 1998

**To:** Delta Protection Commission

**From:** Margit Aramburu, Executive Director

**Subject:** Proposed Incorporation of the City of Oakley, Contra Costa County

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**BACKGROUND:**

On June 24, 1998, the Contra Costa County Local Agency Formation Committee (LAFCO) voted unanimously to accept financial analysis and set city boundaries and spheres of influence for the proposed City of Oakley. The proposal will next be considered at a hearing before the Board of Supervisors. The final determination of the proposal to create a new city will go to the voters on the November 3, 1998 general election.

At the June 24, 1998 meeting there was discussion of the proposed city boundaries. The original recommendation of the LAFCO staff was to include all of Big Break and the water-covered areas between Big Break west to the Antioch Bridge. The water-covered areas and Big Break, which is a flooded island, are in the Primary Zone of the Delta. LAFCO accepted a proposal to set the City limits 200 feet waterward of a line representing mean high water from the Antioch Bridge to the lands owned by the East Bay Regional Park District (eastern half of Big Break). A map of the revised proposed boundary is attached. East Bay Regional Park District has proceeded with acquisition of the western half of Big Break; the Park District already owns the eastern half of Big Break.

At the July 23, 1998 meeting, the Delta Protection Commission received a briefing on the proposed incorporation of the City of Oakley.

On July 28, 1998 a Protest Hearing was held before the Contra Costa County Board of Supervisors. There was no protest to the proposed election; the Board voted 3-0 to approve the election.

On November 3, 1998, the voters within the boundaries of the proposed City voted to approve incorporation (yes=4,411; no=1,328). Oakley will become a City on July 1, 1999.

## **THE CITY OF OAKLEY:**

On November 3, 1998, the voters also elected a City Council. The City will adopt the Contra Costa County General Plan as its General Plan until such time as the City prepares and adopts its own general plan. The Contra Costa County General Plan has been amended to ensure it is consistent with the Commission's adopted regional plan for the Primary Zone.

## **CONFORMANCE WITH THE DELTA PROTECTION COMMISSION'S ACT AND PLAN:**

The Delta Protection Act's authors did not anticipate the incorporation of a new City in the Primary Zone of the Delta. The Act requires that "within 180 days of the adoption of the regional plan or any amendments by the commission, all local governments shall submit to the commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the primary zone" (Section 29763).

"Local government" is defined in Section 29725 which lists the existing counties and cities by name; there is no City of Oakley.

Because the proposed City of Oakley would adopt the County's General Plan as its General Plan upon incorporation, there would be no conflict with the Commission's regional land use plan.

## **PROPOSED POSITION OF THE COMMISSION:**

The Commission should consider adopting one of the following positions:

1. The Delta Protection Act should not be amended; the Commission will not require that the new General Plan for the City of Oakley be consistent with the Land Use and Resource Management Plan for the Primary Zone of the Delta (Plan). Instead the Commission will comment on the proposed General Plan and any plan proposed for the East Bay Regional Park District's Big Break properties.
2. The Commission should proceed with an amendment to the Delta Protection Act, Public Resources Code Section 29725 to add the City of Oakley to the definition of Local Government. This would ensure that the City would have to submit its General Plan to the Delta Protection Commission for review and concurrence.
3. In anticipation of other future incorporations, the Commission should proceed with an amendment to the Delta Protection Act, Public Resources Code Section 29725 to add more general language which would address and include any other cities which may be incorporated within the Primary Zone of the Delta.

